Mr. Gene Wilson, FOIA/PA Coordinator
CIA
Wash, D.C. 20505 FOIA/PA appeals

Rt. 12, Frederick, Md. 21701
1/14/76

Dear Mr. Wilson,

We now in a long, largely unnecessary, completely unsatisfactory and on the CIA's part so self-descriptive a correspondence I believe I have made no personal comment about you. Your letter stamp dated 1/12/77 atop this long history of lawlessness would be too much for Griselda. It is much too much for me.

Have you no shame? No concept of shame, or decency? No self-respect? No concern about how your children, if any, would think about you if they knew you as you have represented yourself in this correspondence, all of which relates to FOIA and PA, two laws that represent what is most fundamental in any system of representative society, the right of the people to know and above all to know what their government does? Does the law mean nothing to you, you personally or all of you who have come to regard the American people, too, as your enemy? Is there no limit to arrogance?

In your letter you say what you know is false, that in my request of the Archives and in my 11/26/76 letter to Dr. Rhoads all "records on surveillance conducted on Lee Harvey Oswald in Mexico City" and that "we have already responded to you concerning this request" in "our letter, dated 23 August 1976...F-75-6669."

My request of the Archives was limited to what you people misused in one of your domestic operations against the American people and the press. It was limited to what there was a waiver on by being given to an underinformed and overly receptive reporter, resulting in a massive coast-to-coast deception and an overt interference with the proper functioning of the Congress.

I do have a larger request under the 10-day law. It dates to 1975. This is 1977. Under that law you have 20 days in which to act on an appeal. I filed this appeal. Have you acted in the required 20 days? Have you met the requirement of the law in not so doing?

When you shamefully and I did want part of those records you'll die before releasing willingly I did file what I did describe as a more restricted request. Your time for response to that and acting on the appeal is more than five times past the allowance of the law. You have given no explanation for delay, no explanation of the need for more time and there is no such need. Now if there is any provision of the law that permits you to withhold one file on the claim that you have a thousand files you say you want to review please cite it to me. And if there is any provision that authorizes you to delay longer while conducting a second review after the first one, please also cite that. If there is anything you can torture into either, remember this is 1977 and we are talking about a 1975 FOIA request.

Last year you were particularly shameless in claiming that in responding to my request relating to the surveillance of Lee Harvey Oswald, a matter certainly collected 11/22/63, in alleging that responding would be "a special and costly search" and that it "would disrupt and delay the process for all these requesters" asking for other records. This to your knowledge could not have been true of that request and it certainly can't be true of my request of the Archives, which is limited to Warren Commission records.

Last year you also cited an earlier letter in which you claimed "the existence or nonexistence of the records...is currently properly classified pursuant to Executive Order 11652...exemption (b)(1)..." This was then false and obviously false from the language of the statute,"kept secret" after it was published. It is even more false today two months after the Agency's publicizing of its alleged eleventh warning to its alleged defender and now more so with the report of the House select committee. In this there is more than enough to avoid going into your newsmanagement operations with the Washington Post on this and other related stories. But these illicit and anti-democratic domestic operations are also a waiver, if there ever was a legitimate exemption.

"kept secret" in the statute referred to real or potential enemies of the country, not the people of the country, of course. The law continues "kept secret in the interest of national defense/.."

I do not know your age, experience or education but all of this carries me back to what except in its violence is morally and philosophically/ Nazism and the other authoritarian societies/ way. If you do not puke over what you do you have a castiron intestinal tract and/or moral and ethical blinders.

Your August 25 letter of last year also claims, again with conscious, deliberate falsehood, that "It is further determined that the fact of the existence or non-existence of the records pertains to information relating to intelligence sources and methods which the Director (is to) protect from unauthorized disclosures..." Here you avoid citation of the Act because it says other than you pretend. The exemption has to meet certain facts that are here not factual, the source must be "confidential" and there must ben a disclosure.

"Pertains" is not in the Act. News stories "pertain."

There is no way in which withholding this from me can "protect" from "unauthorized disclosure" when the actual disclosure is the fact book in 1964 to the Warren Commission and since then to the press and in and by the press, parts of which were Agency employees with first-person knowledge. We both know the reality, that some of the most recent disclosures were by the Agency employee who left the Agency to become its "defender," the one the Washington Post managed not to report was the Agency's Marine City Station Chief at the time in question, David Phillips.

However, you do cite the Director's legal obligation and you have not placed any charges against Mr. Phillips or others. Why? Can it be he could claim "authorized"? If you do not will you stop throwing that kind of garbage at me?

Now I did write you after I received your letter of August 25. With the fabled record-keeping system of the CIA can it be you did not know this when you attached a copy - or sent of a copy - of your letter? Do you consider it honest not to include what I wrote you in response, even to pretend that I did not, that I did accept your bokum? I am sure I did insist upon my FOIA request and that I did appeal. I also know that I detest the thought of having to sue my government to keep it honest and within the law.

We are again snowed in and the snow is still falling so I cannot get together with counsel. On something as clear as this I am not at all certain I would need counsel but I am uncertain about the Archives referral to you. So whether or not I have appealed in the past I am immediately now appealing this new denial by both the Archives and the Agency. If within the time permitted by the Act you have not complied with the Act this time I will not be as patient as I have been because this time you (plural) have undertaken a new subversion, of the Congress in addition to the press.

You people, whether or not you personally, are truly contemptible. After the last time I heard from you I met your assistant general counsel, Laumie Kibell. It was in connection with my C.A.75-1448. When we talked he told me that you had sent me all I had asked for that had been released. Now you personally know that at least a half-dozen times I have asked for your second large release and you personally know that it has not been sent to me and you personally know that it is included in my requests. If this is not the first time, what kind of animals are you that you lie to each other, what kind of concept do you have of law and decency when you lie to your own lawyers?

I have a number of requests under both FOIA and PA going back about six years that have not been complied with. I am herewith again asking when I may expect to have a response to my appeals and my inquiries on when they will be acted on. I have been patient. I do not like the idea of having to sue in such matters. I abominate the idea of official lawlessness, and this is as lawless as it can be. But there is nothing that is as foreign to my beliefs as tolerating this kind of official misconduct. What must do I will do. Sincerely,

Harold Weisberg